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THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. 7,047,419

Group Art Unit No.: 2137

Filing Date: October 28, 2001

Examiner: Paul Callahan

Inventor: Gerald R. Black

Title: Data Security System

37 CFR §1.323 Certificate Of Correction Of Applicant's Mistake

Certificate
SEP 20 2006
of Correction

Assistant Commissioner for Patents
Alexandria, VA 22313-1450

STATEMENT

1. I am the inventor and the attorney-of-record for the subject Patent.
2. It has recently come to our attention that there is an error in Claim 3 of the subject U.S. Patent. There is language in lines 3-4 of Claim 3 that reads "a palm print sensor for capturing a facial image print". A similar error occurs in line 7 of Claim 3.
3. Two separate statutory requirements must be met before a Certificate of Correction under 37 CFR §1.323 for an applicant's mistake may issue.

One statutory requirement concerns the nature of the proposed correction. The correction must not involve changes which would:

- (1) constitute new matter or
- (2) require reexamination.

The proposed change clearly does not constitute new matter, since the facial imaging sensor is clearly shown in FIGURE 4A of the subject Patent, and the specification sets out the basis for the change.

Page 22, column 5, lines 3 through 6 read as follows:

"FIG. 4A discloses another preferred embodiment of a computing device for use in the data security system of FIG. 1, the processor device being a handheld computer, the handheld computer including a facial image biometric sensor that captures a facial biometric when data access is made from the handheld computer;"

And, page 23, column 7, lines 10 through 15 read as follows:

“FIG. 4A discloses another preferred embodiment of a computing device (30E) for use in the data security system of the present invention. The handheld computing device (30E) includes a facial image biometric sensor (16) that captures a facial biometric when data access is made from the handheld computing device (30E).”

Actually, there is no support in the patent specification for a palm print sensor that captures a facial biometric. Clearly, the sensor in the claim cannot be a palm print sensor.

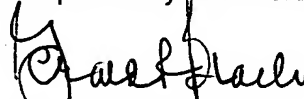
The other statutory requirement concerns the nature, or type of mistake for which a correction is sought. The mistake must be (1) of a clerical nature, (2) of a typographical nature, or (3) a mistake of minor character.

Claim 2 is directed at a palm print sensor and Claim 3 is directed at a facial imaging sensor. As a result of a clerical error, the language referring to a palm print sensor from Claim 2 was inserted into Claim 3. Claim 3, as allowed, recites that “a palm print sensor for capturing a facial image print”. Palm print sensors do not capture facial images - facial imaging sensors do. What is proposed is to delete the term “palm print” in line 3 of Claim 3, so that the clause reads “a sensor for capturing a facial image print”. A similar change is needed in line 7 of Claim 3. Making the proposed changes makes Claim 3 consistent with the specification, and corrects the clerical error.

4. In view of the foregoing remarks, it is respectfully requested that a “Certificate of Correction” be issued.

September 14th, 2006

Respectfully submitted,



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U.S. Patent No. 7,047,419

ALLOWED CLAIMS

1 (issued). A pen-based computing device for accessing secure data, the pen-based computing device having a casing, the pen-based computing device including at least one fingerprint sensor for capturing a user thumbprint image of a user hand, the fingerprint sensor being positioned at a fingerprint sensor site in the casing of the pen-based computing device;

whereby placement of the fingerprint sensor site in the casing of the pen-based computing device enables an incidental capture of the thumbprint image of the user hand for purposes of identity authentication prior to each request to access the secure data; and

whereby placement of the fingerprint sensing site in the casing of the pen-based computing device enables capture of the thumbprint image of the user hand holding the pen-based computing device; and

whereby placement of the fingerprint sensing site in the casing of the pen-based computing device enables a continuous capture of the thumbprint image of the user hand while the pen-based computing device is being held.

2 (issued): A pen-based computing device for accessing secure data, the pen-based computing device having a casing, the pen-based computing device including a palm-print sensor for capturing a palm-print image of a user hand, the palm-print sensor being positioned at a palm-print sensor site in the casing of the pen-based computing device;

whereby placement of the palm-print sensor site in the casing of the pen-based computing device enables an incidental capture of the palm-print image of the user hand for purposes of identity authentication prior to each request to access the secure data; and

whereby placement of the palm-print sensing site in the casing of the pen-based computing device enables capture of the palm-print image of the user hand holding the computing device; and

whereby placement of the palm-print sensing site in the casing of the pen-based computing device enables a continuous capture of a palm-print image of the user hand while the pen-based computing device is being held.

3 (issued). A pen-based computing device for accessing secure data, the computing device having a casing, the pen-based computing device including a palm-print sensor for capturing a facial image print, the facial image print sensor being positioned at a sensor site in the casing of the pen-based computing device;

whereby placement of the palm-print sensor site in the casing of the pen-based computing device enables an incidental capture of the facial image of a user for purposes of identity authentication prior to each request to access the secure data; and

whereby placement of the sensor site in the casing of the pen-based computing device enables a continuous capture of a facial image print while the pen-based computing device is being used.

4 (issued). The pen-based computing device of claim 1, wherein the pen-based computing device includes a processor and a stylus, the processor having a display screen, the fingerprint sensor site being disposed in the casing of the processor.

5 (issued). The pen-based computing device of claim 1, wherein the pen-based computing device includes a processor and a stylus, the processor having a display screen, the fingerprint sensor site being disposed in the casing of the stylus.

6 (issued). The pen-based computing device of claim 1, wherein the pen-based computing device includes a wallet or a pouch, the wallet or pouch being in digital engagement with the pen-based computing device, the fingerprint sensor being disposed in the casing of the wallet or pouch.

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AS AMENDED

3 (currently amended). A pen-based computing device for accessing secure data, the computing device having a casing, the pen-based computing device including a [palm-print] sensor for capturing a facial image print, the facial image print sensor being positioned at a sensor site in the casing of the pen-based computing device;

whereby placement of the [palm-print] sensor site in the casing of the pen-based computing device enables an incidental capture of the facial image of a user for purposes of identity authentication prior to each request to access the secure data; and

whereby placement of the sensor site in the casing of the pen-based computing device enables a continuous capture of a facial image print while the pen-based computing device is being used.

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CLEAN COPY

3 (currently amended). A pen-based computing device for accessing secure data, the computing device having a casing, the pen-based computing device including a sensor for capturing a facial image print, the facial image print sensor being positioned at a sensor site in the casing of the pen-based computing device;

whereby placement of the sensor site in the casing of the pen-based computing device enables an incidental capture of the facial image of a user for purposes of identity authentication prior to each request to access the secure data; and

whereby placement of the sensor site in the casing of the pen-based computing device enables a continuous capture of a facial image print while the pen-based computing device is being used.



TRANSMITTAL

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Inventor: Gerald R. Black

Title: Data Security System

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Assistant Commissioner for Patents
Alexandria, VA 22313-1450

You will find enclosed with this transmittal:

1. A Statement for Certificate of Correction - 2 sheets.
2. Allowed Claims - 2 sheets.
3. Amended Claim - 2 sheets.
4. A personal check for \$100.
5. A self-addressed stamped postcard.

September 14th, 2006

Respectfully submitted,

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CERTIFICATE OF MAILING (37 CFR 1.8a)

September 14th, 2006

I hereby certify that this correspondence is being deposited on the date indicated with the United States Postal Service with sufficient postage as First Class Mail addressed to the Mail Stop Post Issue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Gerald R. Black